

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Greg Schillinger

v.

Civil No. 07-cv-309-PB

State of New Hampshire, et al.

REPORT AND RECOMMENDATION

Plaintiff's complaint is entitled "Motion for Emergency Intervention" (Document no. 1). Plaintiff states that his mother has had a severe stroke and that her emergency medical needs are not being met by Wentworth Douglas Hospital. he further complains that his visitation furlough was cancelled and that he needs an "emergency release" to help his mother. The court recognizes and understands plaintiff's desire for emergency intervention. Because of the nature of the request and plaintiff's immediate needs, the court has given expedited consideration to this matter.

To the extent plaintiff seeks to bring this motion on behalf of his mother, he can not do so in this federal court. "A pro se party may not authorize another person who is not a member of the bar of this court to appear on his or her behalf. This includes

a ... relative..." See United States District Court for the District of New Hampshire Local Rule ("LR") 83.6(G). His standing, if any, would only be in a state court.

Further, to the extent he seeks an emergency release or furlough it is the state court, not this court, which would have jurisdiction to issue it.

I recommend the case be dismissed without prejudice to plaintiff's right to seek relief in state court.

If this Report and Recommendation is approved, the claims as identified herein will be considered for all purposes to be the claims raised in the complaint. If the plaintiff disagrees with the identification of the claims herein, he must do so by objection filed within ten (10) days of receipt of this Report and Recommendation, or he must properly move to amend the complaint.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of

Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: September 28, 2007

cc: Greg Schillinger, pro se
Nancy Smith, Esq.
John Vinson, Esq.